



Thompson Wigdor LLP ATTORNEYS AND COUNSELORS AT LAW

85 Fifth Avenue
New York, NY 10003
Tel 212.257.6800
Fax 212.257.6845
www.thompsonwigdor.com

Kenneth P. Thompson
kthompson@thompsonwigdor.com

November 2, 2011

VIA ECF

The Honorable Dora L. Irizarry
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Bouzzi, et al. v. F&J Pine Restaurant LLC, et al., 10-CV-00457 (DLI)(CLP)

Dear Judge Irizarry:

We represent Plaintiffs in the above-referenced action and we write to respectfully inquire about the status of the Court's review of the parties' settlement agreement in this matter, which was originally submitted to the Court on July 1, 2011.

On August 19, 2011, after careful consideration of the amounts to be recovered by each of the twenty (20) individual Plaintiffs, "the arms-length negotiations between the parties, and the unavoidable risks and delays that would attend taking the case to trial," Magistrate Judge Cheryl L. Pollak recommended to Your Honor "that the settlement be approved as fair and reasonable." Judge Pollak also denied Defendants' request to file the settlement agreement under seal, but permitted Defendants to submit supplemental authority in support of their request for a partial sealing of the monetary amounts contained in the settlement agreement. By additional report and recommendation dated September 23, 2011, Judge Pollak denied this request as well.¹

While we understand and respect that any settlement agreement for unpaid wages or unpaid overtime pursuant to the Fair Labor Standards Act ("FLSA") must be supervised by the Courts or the Secretary of Labor, a number of the Plaintiffs in this matter have been hoping to rely on their settlement payments to cover necessary living expenses such as rent and medical bills. Moreover, the Defendants already issued the first series of settlement checks to Plaintiffs' counsel, which are being held by counsel until the settlement agreement is approved by Your Honor. Therefore, Plaintiffs respectfully request that Your Honor adopt Magistrate Judge

¹ As previously stated in writing to Magistrate Judge Pollak, Plaintiffs do not oppose, and thus, take no position with respect to Defendants' request for either a full or partial seal of the settlement agreement.

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Pollak's report and recommendation and approve of the parties' settlement agreement as fair and reasonable.

Respectfully submitted,



Kenneth P. Thompson

cc: Christopher Smith, Esq. (via ECF)